

MINUTES

For the Council Meeting held on

Thursday 23 October, 2014

Commencing at 5.03 p.m.

In the Council Chambers, Ravensthorpe.



SHIRE OF RAVENSTHORPE

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Ian Fitzgerald
Chief Executive Officer

9/10/2014

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WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on (2)

Agenda item (3) _____

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert you name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Sections 5.60A of the Local Government Act 1995**5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995**5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995**5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007**11 – Disclosure of interest**

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;

- or
- (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
- (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
- (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
- (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
- (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



**SHIRE OF RAVENSTHORPE
WORKS REQUEST FORM**

Name: _____

Date: ____/____/2014 Urgency: Low / Medium / High / Strategic

Road / Public Building / Area: _____

Request: _____

Description:

OFFICE USE ONLY:

Action Taken:

Comment:

Completed: ____/____/2014 Signature: _____

Inspected and/or authorised: _____
Chief Executive Officer

**ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 23 OCTOBER 2014, COMMENCING AT 5.03PM**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.03pm – the presiding person, Cr Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Ian Goldfinch (Shire President)
Cr Keith Dunlop (Deputy Shire President)
Cr Ken Norman
Cr Andrew Duncan
Cr Julianne Belli
Cr Angela Kelton
Cr Sharyn Gairen

STAFF: Ian Fitzgerald (Chief Executive Officer)
Keith White (Deputy Chief Executive Officer)
Darryn Watkins (Manager Engineering Services)
Portia Ridout (Executive Assistant)

APOLOGIES: NIL

ON LEAVE OF ABSENCE:

NIL

ABSENT: NIL

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

NIL

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 18 SEPTEMBER, 2014**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Gairen	Seconded: Cr Duncan
That the minutes of the meeting of council held on 18 September, 2014 be confirmed as a true and correct record of proceedings.	
Carried: 7/0	Res: 159:14

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.2
Moved: Cr Belli	Seconded: Cr Dunlop
That the minutes of the Audit Committee Meeting held on 16 October, 2014 be received and recommendations adopted.	
Carried: 7/0	Res: 160/14

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

NIL

10. REPORTS OF OFFICERS

10.1 DEPUTY CHIEF EXECUTIVE OFFICER

10.1.1 MONTHLY FINANCIAL REPORT – 31 AUGUST AND 30 SEPTEMBER 2014

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	13 October, 2014
Author:	Keith White – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Monthly Financial Report – August 2014 – September 2014

Summary:

This report presents the monthly financial reports for August and September 2014 to Council which is provided as attachments to the agenda. The recommendation is to receive the monthly financial reports.

Background:

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and

- Any other required supporting notes.

Comment:

This report contains annual budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

Consultation:

Council Financial Records

Statutory Obligations:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

As detailed within the attachments

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Belli	Seconded: Cr Gairen
That Council receive the Monthly Financial Report for the period ending 31 August 2014 and 30 September 2014 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 7/0	Res: 161/14

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – SEPTEMBER 2014

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	30 September, 2014
Author:	Stacey Addis – Senior Finance Officer
Authorising Officer:	Keith White – Deputy Chief Executive Officer
Attachments:	Yes - Schedule of Payments to 30 September 2014

Summary:

This item presents the schedule of payments for Council approval in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account			
	EFTs	EFT3324-EFT3337 EFT3339-EFT3378	\$246,963.00
	Municipal Fund Cheques	39073-39115	\$56,026.13
Payroll	Dates	03/09/2014 – 17/09/2014	\$153,346.77
Bank Fees			\$399.01
Municipal Account Total			\$446,530.53
Trust Account Payments	EFTs	EFT3338, EFT3422	\$32,804.75

Trust	1280-1284	\$130.00
Cheques		

Grand Total		\$479,465.28
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Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

Consultation:

Not applicable.

Statutory Obligations:**Local Government (Financial Management) Regulations 1996****13. Lists of accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

This item address Council's expenditure from Trust and Municipal funds which have been paid under delegated authority.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.2
Moved: Cr Dunlop	Seconded: Cr Kelton
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of September 2014, be noted.	
Carried: 7/0	Res: 162/14

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 PREPARATION AND INITIATION OF NEW LOCAL PLANNING SCHEME NO. 6

File Ref:	LU.PL.22
Applicant:	Not applicable
Location:	Entire Shire area
Disclosure of Officer Interest:	None
Date:	8 October, 2014
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachment:	None

Summary:

Council resolved to prepare a new Local Planning Scheme at their meeting in July 2014. Unfortunately the Department of Planning have advised that the Council resolution quoted the incorrect form and that a new resolution is required.

It is therefore recommended that Council formally resolve prepare Local Planning Scheme No.6 pursuant to Part 5 of the Planning and Development Act 2005 as the first step in this review.

Background:

The Council started the review of its Local Planning Strategy (20 year land use planning vision) in 2007, redrafting it four times in response to the opening, closure and reopening of the Nickel Mine. The Strategy has now been adopted for final approval by Council and forwarded to the Western Australian Planning Commission for final approval and gazettal.

The adoption of a Local Planning Strategy is a required precursor to the preparation of a new Local Planning Scheme (the Scheme).

Council considered whether to prepare a new Local Planning Scheme at their meeting of 24 July 2014 and resolved as follows:

THAT with respect to the preparation of a new Planning Scheme, Council resolves:

1. *In pursuance of Section 72 of the Planning and Development Act 2005 to prepare the Shire of Ravensthorpe Local Planning Scheme No. 6 for the entire municipal area of the Shire Ravensthorpe, with Local Planning Scheme No.6 revoking Town Planning Scheme No.5 upon gazettal;*
2. *That having regard to the Shire of Ravensthorpe Local Planning Strategy (2013), the purpose of Local Planning Scheme No.6 will be to modernise the statutory planning controls within the municipality, reflect current best practice with regard to land use planning and provide guidance for the future development of the municipality;*
3. *That the anticipated format of Local Planning Scheme No.6 will be prepared having regard to the Model Scheme Text and the Shire of Ravensthorpe Local Planning Strategy (2013) and comprise of:*
 - a) *Scheme Text; and*
 - b) *Scheme Maps.*
4. *To authorise the Chief Executive Officer to complete and certify the Form No. 1A in Appendix A and refer the resolution to the Western Australian Planning Commission for comment*

Comment:

As the first step in preparing a new Scheme the Department of Planning have assessed the Shire's request to commence the preparation of a new Local Planning Scheme and have advised that the incorrect form was quoted in the resolution and that additional information about the intent of the new Scheme is required.

The form quoted should have been Form 1, rather than Form 1A.

The purpose of the new Local Planning Scheme No. 6 (taken from the Model Scheme Text) is to:

- a) *set out the local government's planning aims for the scheme area, and implement the local planning strategy;*
- b) *set aside land as reserves for public purposes, in accordance with the aims of the scheme and the local planning strategy;*
- c) *zone land within the scheme area in accordance with the aims of the scheme and the local planning strategy;*
- d) *control and guide land use and development in accordance with the aims of the scheme and the objectives of the respective zones and reserves;*

- e) *make provision for the administration and enforcement of the scheme where necessary to supplement the provisions in the Act; and*
- f) *address other matters contained in the Schedule 7 to the Planning and Development Act 2005.*

Consultation:

The Local Government is required to undertake extensive consultations with the landowners, community and relevant government/non-government agencies during the preparation of a new local planning as set out in the Town Planning Regulations 1967.

Statutory Obligations:

The preparation and format of the new local planning scheme must comply with the requirements of the Planning and Development Act 2005 and Town Planning Regulations 1967. The scheme text is required to follow the Model Scheme Text (MST) format in the Town Planning Regulations 1967, which includes standard clauses and terms for use in all Local Planning Schemes prepared in Western Australia.

Policy Implications:

Nil

Budget / Financial Implications:

The majority of the work is budgeted to be undertaken in house. The cost of commencing the preparation of the new scheme is proposed to be \$10,000 which is budgeted within the 2014/15.

Strategic Implications:

The commencement of the new scheme will assist the Council achieve the outcomes of its Community Strategic Plan including:

4.2.1. High quality corporate governance, accountability and compliance

Sustainability Implications:

- **Environmental:**

Local Planning Scheme No.6 will address the environmental factors associated with land use and development.

- **Economic:**

Local Planning Scheme No.6 will address the economic factors associated with land use and development.

- **Social:**

Local Planning Scheme No.6 will address the social factors associated with land use and development.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM
10.2.1	
Moved: Cr Kelton	Seconded: Cr Duncan
THAT with respect to the preparation of a new Planning Scheme, Council resolves:	
<ol style="list-style-type: none"> 1. In pursuance of Part 5 of the Planning and Development Act 2005 to prepare the Shire of Ravensthorpe Local Planning Scheme No. 6 for the entire municipal area of the Shire Ravensthorpe, with Local Planning Scheme No.6 revoking Town Planning Scheme No.5 upon gazettal; 2. Endorse the following Statement of Intent, Aims and Format of Local Planning Scheme No. 6: 	
<u>“Statement of Intent</u>	
To prepare a new local planning scheme to apply to the entire municipal area of the Shire Ravensthorpe. The intent of the new Scheme is to implement the vision, objectives and recommendations as contained within the Local Planning Strategy No.2.	
<u>Proposed Aims of the Scheme</u>	
The aims of the Scheme provided below are purposefully broad enough to deliver the vision and objectives of the Shire of Ravensthorpe Local Planning Strategy No. 2.	
The general aims of the new local planning scheme are to:	
<ol style="list-style-type: none"> a) set out the local government’s planning aims for the scheme area, and implement the local planning strategy; b) set aside land as reserves for public purposes, in accordance with the aims of the scheme and the local planning strategy; c) zone land within the scheme area in accordance with the aims of the scheme and the local planning strategy; d) control and guide land use and development in accordance with the aims of the scheme and the objectives of the respective zones and reserves; e) make provision for the administration and enforcement of the scheme where necessary to supplement the provisions in the Act; and f) address other matters contained in the Schedule 7 to the Planning and Development Act 2005. 	
<u>Format of the Scheme</u>	
The format of the new local planning scheme will be in accordance with the Model Scheme Text and is proposed to be a ‘local planning scheme’ applying to the whole District of the Shire of Ravensthorpe.”	
<ol style="list-style-type: none"> 3. Forward a copy of the notice accompanied with Statement of Intent, Aims and Format of the Scheme to the Western Australian Planning Commission; 4. Authorise the Chief Executive Officer to complete and certify the Form No. 1 in Appendix A and refer the resolution to the Western Australian Planning Commission for comment. 5. Following receipt of notice by the Western Australian Planning Commission, undertake any adjustments as required by the Western Australian Planning Commission and undertake advertisement and notice of the resolution pursuant to Regulation 5 of the Town Planning Regulations 1967. 	
Carried: 7/0	Res: 163/14

10.2.2 PROPOSED HOPETOUN AEROCLUB

File Ref:	A14084
Applicant:	Hopetoun Aeroclub Inc
Location:	Reserve 7377, Lot 300 Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	Nil
Date:	8 October 2014
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes - Department of Lands correspondence 29/08/14

Summary:

Council resolved to hand over management of Reserve 7377 (Air Landing Ground) on the Hopetoun-Ravensthorpe Road to the Hopetoun Aeroclub at their meeting in December 2013 subject to a number of conditions including placing the whole air strip onto one parcel of land.

The Department of Lands (DoL) have contacted Council indicating that they do not support an incorporated body taking management of a reserve and that Council should consider leasing the reserve itself.

Additionally, DoL advised that adjusting property boundaries will attract a process whereby native title needs to be resolved prior to boundaries being adjusted.

This report recommends Council consider leasing the airstrip directly to Hopetoun Aeroclub Inc and that DoL be advised that Council wishes to proceed with the process of amending reserve boundaries as a separate action.

Background:

As shown on the plan overleaf, the Hopetoun Airstrip is currently constructed across three property boundaries:

Property details	Reserve purpose	Scheme designation
Reserve 7377, Lot 300 Hopetoun-	Air Landing	Local Reserve - Air Landing

Ravensthorpe Road	Ground	Ground
Reserve 7853, Lot 1528 Hopetoun-Ravensthorpe Road	Common	Local Reserve - Recreation
Unallocated Crown Land (UCL)	N/A	Zoned - General Agriculture
Hopetoun-Ravensthorpe Road reserve.	Road	No zone



Hopetoun Airstrip - constructed over a number of boundaries (Landgate 2013)

At their meeting of 23rd June 2011 Council granted a lease to Dr Hermannus Lochner over a portion of Reserve 7377 (approximately 5ha). Dr Lochner is currently using the reserve as an airstrip.

Previous Consideration

Council considered the matter at their meeting of 16th December where it was resolved:

That Council,

1. *Write to the Department of Lands requesting the adjustment of the boundary between reserves 7377 and 7853 in order to place the entire airstrip within reserve 7377; and*
2. *Request the Department of Lands to change the manager of reserve 7377 to the Hopetoun Aero Club once the following actions have taken place:*
 - a) *The airstrip being placed entirely within a single reserve;*
 - b) *Written agreement from Dr Lochner to relinquish the existing lease over Reserve 7377 has been received;*
 - c) *The Hopetoun Aero Club becoming an incorporated body and formally requesting management of reserve 7377; and*
 - d) *The Hopetoun Aero Club agreeing to the Shire maintaining access rights to gravel and sand for road construction within reserve 7377.*

Parts b & c of the above resolution have been completed. However, DoL have raised concerns with the proposed adjustment of boundaries and ceding management of the reserve to the Aeroclub. A copy of their response is attached to this report.

Comment:

In their letter dated 29 August 2014 DoL have advised:

1. They do not consider it appropriate to issue a management order for a reserve to a private organisation and would rather that the Council either:
 - Surrendered the management order to the crown who would lease to the Aeroclub; or
 - Lease directly to the Aeroclub.
2. That the adjusting of reserve boundaries and conversion of UCL to reserve will trigger the future act provisions of the Native Title Act which means considerable delays for the process and potential costs to Council.

On reflection, the Council granted a lease to Dr Lochner in June 2011 that covered the operational part of the airstrip. That is the part where planes taxi and are parked. It may be possible to simply support this lease being handed over to the Hopetoun Aeroclub in the short term to allow them to start, whilst Shire staff pursue the adjustment of boundaries as a separate exercise.

Consultation:

Sue Leighton of the Hopetoun Aeroclub Inc has been advised of the DoL letter and that a Council report would be prepared recommending that Council lease the Hopetoun Airstrip to them following resolution of property boundary issues.

They were also requested to consider whether it is possible to adjust the airstrip to fit entirely within one parcel of land.

Statutory Obligations:

As a lease would be considered to be disposing of public property Council can dispose of property either by public tender, auction or by private treaty. If property is disposed of by swapping leasees (ie by private treaty) the following process applies:

The Local Government Act, 1995, Section 3.58 disposal of property requirements have to be complied with. The relevant clause is as follows:-

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property-

it gives local public notice of the proposed disposition-

describing the property concerned; and

giving details of the proposed disposition; and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

The details of a proposed disposition that are required by subsection (3)(a)(ii) include- the names of all other parties concerned; and

the consideration to be received by the local government for the disposition: and

the market value of the disposition-

as ascertained by a valuation carried out not more than 6 months before the proposed disposition: or

as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Policy Implications:

Nil

Budget / Financial Implications:

There will be costs to prepare a new lease, it is proposed that these are borne entirely by the Hopetoun Aeroclub.

If the reserve boundaries are to be altered then there will be surveying and administrative costs.

Strategic Implications:

Nil

Sustainability Implications:

Environmental:

There are no known significant environmental considerations.

Economic:

There are no known significant economic considerations.

Social:

There are no known significant social considerations.

Voting Requirements:

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr Duncan	Seconded: Cr Dunlop
That Council delegate to the Chief Executive Officer the authority to:	
1. Transfer the current lease over Lot 7377 Hopetoun-Ravensthorpe Road, Hopetoun issued to Dr Hermanus Lochner to the Hopetoun Aeroclub Inc subject to:	
<ul style="list-style-type: none">• Advertising for public comment taking place as required by the Local Government Act;• All costs in preparing any lease documentation being borne entirely by the Hopetoun Aeroclub Inc• The annual lease fee and terms of the lease being revised so as to be consistent with the existing terms and conditions of the Mount Short Aero Club lease.	
2. Write to the Department of Lands requesting that the Minister for Lands rule that the airstrip is considered a 'public work' under section 165 of the Land Administration Act and progress the adjustment of the boundary between reserves 7377, 7853 and adjacent Unallocated Crown Land in order to place the entire airstrip within reserve 7377.	
Carried by absolute majority: 7/0	Res: 164/14

10.3 MANAGER OF ENGINEERING SERVICES

10.3.1 PROPOSED CHANGE TO INFRASTRUCTURE CONSTRUCTION PROGRAM 2014/2015

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	6 October 2014
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	None

Summary:

Council is requested to approve the proposed change to the 2014 / 2015 Infrastructure Construction Program.

Background:

During the preparation of the 2012 /2013 Infrastructure Construction Program the Munglinup Drought Dam was identified as having an inadequate roaded catchment area of 2.5 ha for the existing dam size of 25M/L. To adequately service a dam size of 25M/L the Department of Agriculture recommends a minimum roaded catchment area of 5.5ha. Since expansion of the dam to its current capacity in 2009 it has suffered poor inflow due to the limited roaded catchment area.

In the 2013 /2014 adopted budget council allocated funds of \$63,704 for the expansion of the roaded catchment at the Munglinup Emergency Water Supply dam located on Reserve 30448 at Reynolds Road Munglinup. The proposed catchment expansion was not undertaken in 2013/2014 due to unfavourable weather conditions impacting on the road network throughout the shire. The project was carried over to the 2014/2015 Infrastructure Construction Program with a budget allowance of \$63,785.

Comment:

During the preparation of Native Vegetation Clearing application documents to carry out the proposed works in January 2014 it became evident that the land and therefore the dam is

vested with the Water Corporation of Western Australia. The Water Corporation was approached by the Shire of Ravensthorpe to seek their approval to carry out the proposed works as a condition of the Native Vegetation Clearing regulations before an application could be submitted to the Department of Environment Regulation.

The Water Corporation advised that the Shire of Ravensthorpe would have to enter into a property licence to access the dam and / or carry out any works in that reserve. After consultation with the CEO of the Shire of Ravensthorpe I advised Water Corporation to proceed with the drafting of the property licence which took some 7 months to receive from the solicitors Herbet Smith Freehills working on behalf of the Water Corporation.

Upon receipt and review of the draft property licence it became evident that the terms and conditions of the licence placed upon the Shire of Ravensthorpe in relation any proposed works and ongoing maintenance of the Water Corporation asset would be cumbersome and expensive to say the least. From a risk management perspective if the Shire entered into the licence agreement the Shire would be liable for all maintenance costs and remedial works should Water Corporation require works to be carried out.

The Water Corporation also would retain the right to restrict / prohibit access to the site should they deem it necessary to do so.

The dam situated on Reserve 35617 (Munglinup Town dam) within the town site was identified as a alternative option as an Emergency Water Supply Dam. This dam and roaded catchment is vested with the Shire of Ravensthorpe. This dam's capacity is estimated to be 20ML and the roaded catchment of 5.1ha seems to be more than adequate based on visual inspection of run off and current storage levels in the dam.

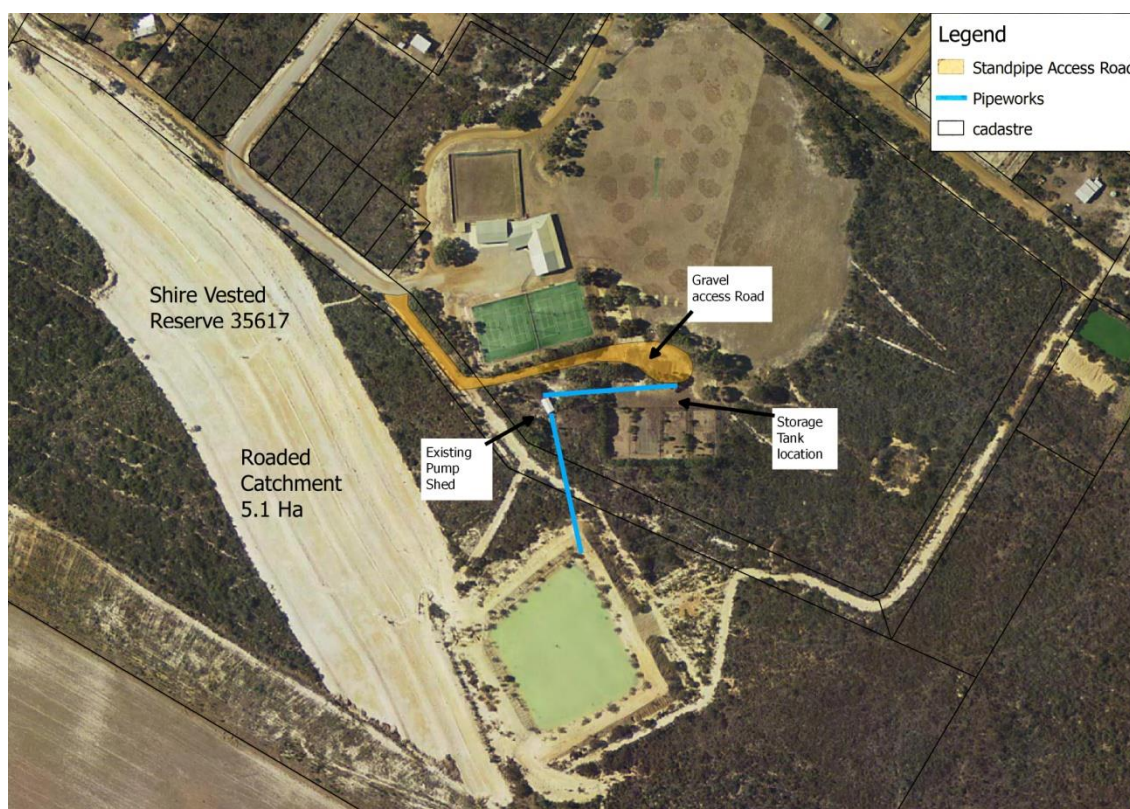
There already is existing infrastructure in place such as a suction line connected to a pump shed which currently supplies water to the oval for irrigation. I am advised by the Munglinup Community Group that the oval is only watered a few times per year prior to sports taking place.

It is proposed that the town dam on Reserve 35617 be utilised as an Emergency Water Supply Dam with funding reallocated from the existing project – expansion of roaded catchment on Reserve 30448 Reynolds Road vested with the Water Corporation.

The scope of works to upgrade the Munglinup Town Dam to an Emergency Water Supply Dam is as follows:

- Upgrade of existing track at the rear of the tennis courts to a 7 metre wide gravel road.
- Construct gravel turnaround and tank hardstand.
- Installation of 30,000lt HDPE water tank and plumbing to existing pump shed and connection.
- Remove vegetation from existing roaded catchment and regrade.
- Remove vegetation from dam walls.
-

The estimated expenditure to carry out the proposed upgrade is \$30,000



Consultation:

Munglinup Community Group

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.3.1
Moved: Cr Belli	Seconded: Cr Kelton
That Council approve the following:	
(a) The Munglinup Drought Dam roaded catchment upgrade on Reserve 30448 not be proceeded with.	
(b) That Council allocate \$30,000 for the upgrade works to the Munglinup Dam and roaded catchment on Reserve 35617 to facilitate the community's needs as an emergency water supply.	
Carried: 7/0	Res: 165/14

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 MINUTES BFAC MEETING AUGUST 2014

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	25 September, 2014
Author:	Steve McGuire
Authorising Officer:	Ian Fitzgerald
Attachments:	Yes – Copy of minutes

Summary:

Consideration of recommendation from the Shire of Ravensthorpe Bush Fire Advisory Committee meeting held on 26 August, 2014.

Background:

Nil

Comment:

The Bush Fire Advisory Committee recommendations are in the main procedural matters and should be supported.

Consultation:

Not applicable

Statutory Obligations:

Bushfires Act 1954

Shire of Ravensthorpe Bushfire Brigades Local Law 2010.

Policy Implications:

Shire of Ravensthorpe Bush Fire Advisory Committee operational guidelines.

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.1
Moved: Cr Kelton	Seconded: Cr Duncan
That the Minutes of the Shire of Ravensthorpe Bush Fire Advisory Committee meeting held on 26 August, 2014 be received and the recommendation therein be adopted.	
Carried: 7/0	Res: 165/14

**10.4.2 RAVENSTHORPE ENTERTAINMENT CENTRE MANAGAMENT COMMITTEE
(RECMC)****File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	6 October, 2014
Author:	Matthew Hunt – Manager Recreation and Community Services
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes - RECMC Minutes of 23 September, 2014

Summary:

This item seeks the consideration and approval of one (1) Committee recommendation, resultant from the last meeting of the Ravensthorpe Entertainment Centre Management Committee (RECMC), held Tuesday 23 September, 2014.

Background:

The Ravensthorpe Entertainment Centre Management Committee Incorporated is not a Committee of Council and has no decision making authority. The RECMC is governed by its Constitution and a recently updated MOU between the RECMC and the Council.

The RECMC is currently working to update and renew its Constitution in line with the recently updated and renewed MOU. The Committee meet regularly to accomplish the objectives outlined within the MOU and the general responsibilities of the Committee through their Incorporation. The intent of the RECMC alongside Council is to effectively manage and support the increased usage and financial viability of the Ravensthorpe Entertainment Centre and Sporting Complex (REC), for the greater Shire.

As denoted in the MOU, all affiliation, program and services revenue is applied through Council to support and promote local sporting groups and facilitate improvements and operations of and to the REC. The minutes of the last meeting of the RECMC are attached to reference the below recommendation and progression of the RECMC.

Comment:

Through historical arrangement and as more recently formalised in the above MOU (Sec 23), each affiliated group of the RECMC is entitled utilise the REC Bar Area (Tavern) for two (2) community functions free of charge (under the conditions of the Licensee and Liquor Control Act) and receive a donation of funds from the RECMC (through Council) to the value of the Profits generated from such a function. This function is to be open to the public and a separate function from the standard fixtures of any sporting group, to ensure regular bar income to the RECMC is not overly compromised into the future. Any application for a function of this nature must be made in writing to the RECMC at least 1 month in advance of the function date.

The RECMC was notified accordingly of two (2) functions for the Ravensthorpe Tigers Football and Sporting Club (Tigers). As noted in the attached minutes the Tigers held the two (2) functions for which they have requested a donation from the RECMC to the value of the bar profits. The dates and amounts are as follows:

- Mexican Night – Saturday 12 July @ \$1,687.80; and
- Tigers Community Wind Up – Saturday 6 September @ \$1,228.70.

The RECMC resolved:

That the Tigers Football and Sporting Club receive a donation from the REC through Council to the value of the bar Profits for their functions on the 12th July 2014 & 6th September 2014. CARRIED 6/0

It is however to be considered that the Tigers have not to date made payment to the RECMC and / or Shire for their individual REC Membership Fees, for the 2013/14 season (outstanding prior to amendment to the new affiliation program).

Consultation:

With the Ravensthorpe Entertainment Centre Management Committee Incorporated (RECMC) and Affiliated User Groups.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

- Council is required to endorse or reject all proposed expenditure recommended by the RECMC.
- Adequate funds are available from RECMC Bar, Membership, and Authorised Expenditure budget items.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant economic considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.2
Moved: Cr Kelton	Seconded: Cr Gairen
<p>That Council approve the Tigers Football and Sporting Club request to receive a donation from the RECMC to the value of \$2,916.50, resultant from their entitlement to two (2) Function Nights at the REC. This approval is pending the full payment of the 2013/14 individual REC Membership Fees to the Shire of Ravensthorpe, to the satisfaction of the Manager of Recreation and Community Services.</p>	
Carried: 7/0	Res: 166/14

10.4.3 RISK MANAGEMENT GOVERNANCE FRAMEWORK

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 9 October, 2014

Author: Ian Fitzgerald – Chief Executive Officer

Authorising Officer: Ian Fitzgerald – Chief Executive Officer

Attachments: Yes - Risk Management Framework

Summary:

A draft Policy entitled ‘Risk Management’ is submitted for consideration by Council, together with the Council’s inaugural Risk Management Government Framework, which embeds procedures for implementing the Policy within the organisation by Management and employees.

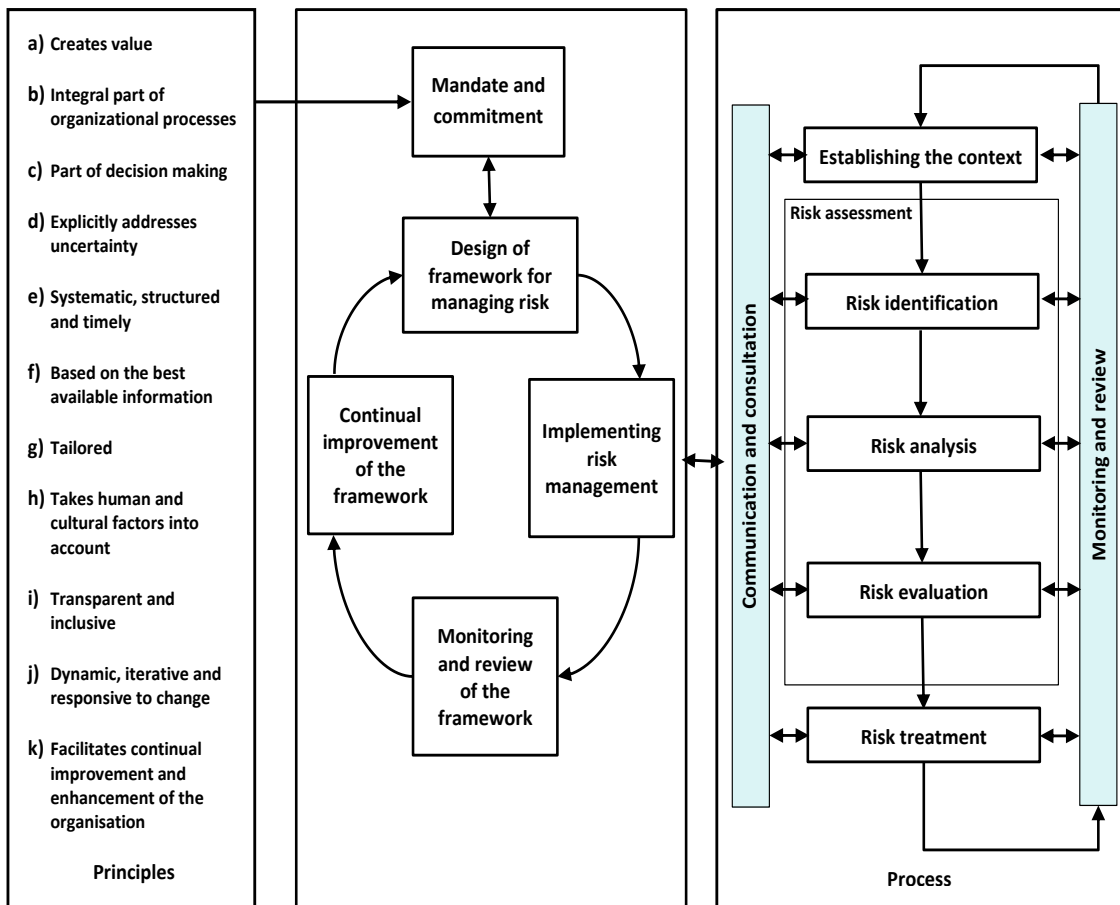


Figure 1: Risk Management Process (Source: AS/NZS 31000:2009)

Background:

Whilst Risk Management in Local Government is now required by law (since 2013), the principles of managing risk are not new.

Comment:

Adoption of a Policy will guide the Chief Executive Officer and Management in what predominate risks exist and provide guidance as to Council's appetite for each of those risks and provide a more thorough and documented process for the administration to manage those risks, day to day.

As noted in the framework, Risk Management is not a destination, but more of a journey. In other words – risks constantly evolve and or are discovered or 'detailed'.

It should not be expected that the organisation will document 'every risk' and put in place controls to manage every risk.

The attached Framework will establish processes by which the Chief Executive Officer, Management and employees can quantify or escalate risks to be managed by treatments or controls, or if unable or unwilling - to transfer or accept them.

In the first instance, higher level 'strategic' risks will be identified and in subsequent years greater level of maturity, understanding and time will fine tune the 'risk registers' that will be developed to include lower order 'operational' risks.

Statutory Obligations:

A new Regulation (number 17) was inserted into the Local Government (Audit) Regulations 1996 on 8 February 2013, which requires the Chief Executive Officer to undertake certain additional 'new tasks' required by that legislation.

In accordance with this regulation, the first review must be undertaken by no later than December 2014 (two calendar years).

Local Government (Audit) Regulations 1996 states;

"17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- (a) risk management; and*
- (b) internal control; and*
- (c) legislative compliance.*

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) *The CEO is to report to the audit committee the results of that review.”*

In accordance with this review the Chief Executive Officer recommends the attached Policy and Framework, which will guide staff in preparing the review to the Audit committee in coming months be adopted.

Consultation:

As the Policy is ‘inward’ and operationally focused, no external community consultation is proposed nor is it required at law.

The Chief Executive Officer will need to ensure that employees are engaged with the Policy’s implementation. The Policy and Framework is based on best practice guidance supplied by Council’s Insurance Broker, Local Government Insurance Services (LGIS) as part of a Regional Workshop convened in Denmark on the 25th August 2014 which was attended by the Chief Executive Officer and Deputy Chief Executive Officer.

The Workshop was attended by five (5) Great Southern local governments who are seeking to adopt similar processes and have worked together as part of a broader regional collaboration approach.

Policy Implications:

The proposed Policy and Framework is based on Australia/New Zealand Standard ISO 31000:2009 Risk Management.

The Policy proposed is outlined in the Risk Management Framework in the attachment.

Budget / Financial Implications:

There are no known financial implications upon either the Council’s current Budget or Long Term Financial Plan.

Strategic Implications:

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective - The Shire of Ravensthorpe provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Sustainability Implications:

- **Governance:**

The new Policy and Framework will provide a sound management platform to address compliance with the new Regulation and also makes 'good business sense'.

- **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation.

- **Economic:**

There are no known significant economic implications relating to the report or officer recommendation.

- **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.3
Moved: Cr Duncan	Seconded: Cr Dunlop
That Council adopt the Risk Management Policy as outlined within the Risk Management Framework, and endorse the initial Risk Assessment Matrix (Appetite for Risk) also included within the Risk Management Framework.	
Carried: 7/0	Res: 167/14

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN NIL

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1 ELECTED MEMBERS NIL

12.2 OFFICERS

12.2.1 COUNCIL MEETING FORMAT

COUNCIL DECISION	ITEM 13.1
Moved: Cr Duncan	Seconded: Cr Dunlop
That Council trial the new meeting format for another 3 months and review at the February Council meeting 2015.	
Carried: 7/0	Res: 168/14

COUNCIL DECISION	ITEM 13.1
Moved: Cr Kelton	Seconded: Cr Duncan
That the Agenda Setting Forum begin at 12:00pm.	
Carried: 7/0	Res: 169/14

13. MATTERS BEHIND CLOSED DOORS

13.1 PURCHASE OF LOTS 59 AND 61 MORGANS STREET RAVENSTHORPE

COUNCIL DECISION	ITEM 13.1
Moved: Cr Belli	Seconded: Cr Dunlop
That Council sit behind closed doors to discuss Item 13.1 which involves commercial in confidants.	
Carried: 7/0	Res: 170/14

5.12pm *Darryn Watkins left the meeting.*

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 13.1
Moved: Cr Norman	Seconded: Cr Gairen
That Council	
a) Authorise the Chief Executive Officer to enter into formal negotiations for the purchase of Lots 59 and 61 Morgans Street Ravensthorpe	
b) Purchase price to be within the range authorised by Council.	
c) Any negotiated price above that pre-authorized is to be referred to Council for further consideration.	
Carried by absolute majority:7/0	Res: 171/14

COUNCIL DECISION	Item 13.1
Moved: Cr Norman	Seconded: Cr Kelton
That Council come out from behind closed doors.	
Carried: 7/0	Res: 172/14

5.30pm *Darryn Watkins returned to the meeting.*

14. CLOSURE OF MEETING – 5.31PM

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting of which the minutes were confirmed)

Date: _____